THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.12684 of 1989

Date: 07-10-2005

Between:

Maddela Anjaiah

and 14 others … **Petitioners**

and

The General Manager, Ramagundam-I,

The Singareni Colleries Co. Ltd.,

Godavari Khani, Karimnagar District,

and another … **Respondents**

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W.P.No.12684 of 1989

ORDER:

This writ petition is filed by the petitioners seeking to declare that the action of the respondents in not promoting the petitioners as watchmen and security guards in Service & Protection Corps Department of the Singareni Collieries Company Limited, Ramagundam-I, as per the proceedings of the General Manager, Ramgundam-I, dated 30-10-1986 is illegal, arbitrary and unconstitutional.

The petitioners contended that they worked in the respondent-Organization for a period of 5 to 11 years, and since two years prior to the date of the petition, they

were working as watchmen. Their duties as watchmen were similar to that of the duties of regular attenders in the said organization. They were being paid salaries attached to the first category and they were all permitted to enjoy all national holidays and other benefits similar to the employees working on regular basis in S & P.C. Department. As per the National Coal Wage Agreement, the persons, who worked as watchmen for two years in S & P.C. Department, could be appointed as regular watchmen in the said department. Seven workmen, who were working as General Mazdoor and who were acting as watchmen, were regularized through the proceedings dated 30-10-1986. Subsequently, three batches of candidates, who worked for two years, were also regularized as watchmen. In the year 1988, the petitioners made a representation to the respondents requesting to regularize their services as watchmen, but the respondents did not pass any orders on the ground that there were no vacancies at that time and orally promised that their candidature will be considered as and when vacancies arise. Subsequently, when the vacancies arose, the respondents did not consider their case and there was no information about the action taken by the respondents in that regard. Therefore, they approached this Court through this writ petition for the relief as mentioned above.

The respondents filed a counter affidavit opposing the petition by contending that though the petitioners were working as watchmen, in order to regularize their services as security guards in S & P.C. Department certain requirements were expected to be satisfied by the workmen. They have to make applications with proof of their work for the respective periods and after considering those particulars the respondents would pass appropriate orders. It is not an automatic regularization.
A circular was issued by the respondents inviting applications for the test. After receiving the applications, the test was conducted and the successful candidates were appointed. The petitioners did not make their applications for the post of security guards in pursuance of the circular issued by the respondents. Though the petitioners were regularized as General Mazdoor, no automatic regularization could be given as security guards. In the light of the instructions from 02-06-1989 prescribing procedure for absorption of the workmen to the posts of security guards, the petitioners contended that the circular dated 02-06-1989 prescribing the procedure for filling up the posts of watchmen or security guards is not applicable to them and the procedure which was in vogue prior to the issuance of the above circular is only applicable to their cases and the said circular is applicable only for fresh recruits.

After perusing the record, it is noticed that the respondent rightly submitted that there is no automatic posting of Mazdoor as watchmen or security guards from 02-06-1989 and the procedure prescribed in the said circular has to be followed.
If the petitioners come within the zone of consideration as per the said circular then only they would be considered. Since the petitioners did not make any application in pursuance of the circular issued by the respondents calling for applications for the post of security guards, they cannot get any relief through this writ petition, since no illegality was committed by the respondents.

In the light of the above circumstances, the writ petitioners are not entitled for any direction, more particularly in the form of writ of mandamus.

In the result, the writ petition is dismissed as devoid of merits. No order as to costs.

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Dr.G. YETHIRAJULU, J

Date: 07th October, 2005

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